IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.461 OF 2005

Dunstan Philip Dias ...Appellant

Vs.

Fabian Philip Dias & Anr. ...Respondents

Mr.A.J.Almeida for the Appellant
Mr. G.V.Pandya for Respondent No.2

CORAM: A.S.OKA, J.
DATED: APRIL 26,2005.

P.C.:

1. Heard Advocates for the parties. After arguing the Appeal for some time, Shri Almeida, learned Counsel appearing for the Appellant submitted that considering the fact that the prayer made in the Notice of Motion taken out by the Appellant was for mandatory injunction, instead of keeping the Appeal pending, hearing of the suit may be expedited and the Trial Court may be directed to hear and decide the suit in a time bound programme.

2. Considering the facts and circumstances of the case, the request made by Shri Almeida is reasonable.

3. Hence I pass the following order :

i) Appeal from Order is dismissed as withdrawn. No order as to costs.

ii) All contentions on merits of the suit are expressly kept open.

iii) The learned Trial Judge is directed to hear and decide the suit as expeditiously as possible and preferably on or before 30th April 2006.

iv) Parties to act upon an authenticated copy of this order.

Judge.